THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26595 of 1996

ORAL ORDER:

This writ petition is filed seeking Certiorari to call for the records relating to impugned Award passed by the first respondent-Tribunal in I.D.No.179 of 1991 dated 27.4.1995 as arbitrary and illegal.

Petitioner is management and second respondent is workman. The second respondent raised a dispute under Section 2A(2) of the Industrial Disputes Act, 1947 (for short 'the Act') along with others. All the disputes were taken up and disposed of by a common order dated 27.4.1995 declaring the action of the management in retrenching the services of the workmen as arbitrary and illegal and further directed the management to regularize the workmen since they were fully qualified for the posts in which they were working and gained experience. However, it was declared that the workmen are not entitled for backwages. Aggrieved by the same, the management filed the present writ petition.

It is the case of the second respondent before the Labour Court that the Government of Andhra Pradesh has undertaken the project work of constructing housing colonies for the weaker sections under housing programme whereunder more than 46,000 houses were proposed to be constructed in various parts of the District as well as within the limits of Municipal Corporation. It was estimated that there must be one Work Inspector for every 75 to 100 houses, therefore, there was a requirement of 461 Work Inspectors. The funds were allotted for payment of wages to the Work

Inspectors. A technical Work Inspector is required to supervise the entire allotted work with regard to technical standards of mixing and curing the cement, proportion of steel etc. Appointments were made in the years 1984, 1986 and 1987 and there are 180 members in this category. The management has already considered for absorption of these employees and approved the increase of wages of technical work inspectors from Rs.500/- to Rs.700/- and that of non-technical work inspectors from Rs.400/- to Rs.600/-. While that being so, since there were artificial breaks, the Work Inspectors have filed writ petitions earlier before this Court and thereafter filed the present I.Ds. complaining that the termination of their services is contrary to Section 25F of the Act.

The management has filed a detailed counter denying the allegations made by the respondent/workman stating that since the services of the workman is no longer required, his services were terminated. The work for which the workman was appointed was completed. However, it was admitted that one Technical Inspector and one non-Technical Inspector was appointed to supervise the construction of 75 to 100 houses. The second respondent-workman has been continuing in view of interim orders passed by this Court in the writ petition filed by him earlier.

After detailed consideration of both oral and documentary evidence, the first respondent-Labour Court came to the conclusion that the second respondent has worked for more than 240 days, therefore, the management has violated the provisions of Section 25F of the Act, as such, the management was directed to reinstate the second

respondent with continuity of service, but without back wages. Aggrieved by the same, the present writ petition is filed.

The learned counsel for petitioner-management strenuously contended that the petitioner is not a regular employee and there was a break in service, therefore, no notice is required as contemplated under Section 25F of the Act. This contention of the learned counsel is noted only to be rejected. Once, the contention of the workman that he had worked for 240 days, a notice as required under Section 25F of the Act is a must. Therefore, I am of the opinion that the Labour Court has not committed any illegality or irregularity in coming to the conclusion that the management has violated the provisions of Section 25F of the I.D. Act and directing the management to reinstate the second respondent into service with continuity of service, but without backwages. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 17.1.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26595 of 1996

17.1.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26595 of 1996

Date: 17th January, 2006

Between:

The District Manager,
A.P. State Housing Corporation Ltd.,
Visakhapatnam.

.. Petitioner

And

The Chairman and Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Visakhapatnam & another.

.. Respondents